

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 08/10/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

DIANE MODROWSKI, :

Plaintiff, :

- against - :

JEWISH CHILD CARE ASSOCIATION :
and SANDY SHAPIRO MALKIN, :

Defendants. :

- - - - -X

ORDER

09 Civ. 3002 (DC)

CHIN, District Judge

Plaintiff commenced this action on March 27, 2009 by filing a complaint, at which time a summons was issued. More than 120 days have elapsed since the action was commenced, and plaintiff has failed to file an affidavit of service with the Court attesting to service of the summons and complaint on the defendants. Accordingly, this action will be dismissed without prejudice unless plaintiff, within thirty days from the date of this order, that is, on or before September 10, 2009 either (1) files proof of service with the Clerk of the Court, or (2) shows cause in writing why a further extension of the time limit for service is warranted. See Fed. R. Civ. P. 4(m).

SO ORDERED.

Dated: New York, New York
August 10, 2009


DENNY CHIN
United States District Judge